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#### **REMARKS**

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

#### **Status of Claims**

Claims 1-33 are pending in the application and have been rejected.

Claims 1, 4, 13, 14, 17-22, 26, 29 and 31 have been amended in this submission. Applicants respectfully assert that the amendments to the claims add no new matter.

Claims 3, 23-25, 32 and 33 have been canceled without prejudice or disclaimer. In making this cancellation without prejudice, Applicants reserve all rights in these claims to file divisional and/or continuation patent applications.

#### **Remarks to the Abstract**

In the Office Action, the Examiner objected to the Abstract because the Abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). Applicants respectfully point out that, according to MPEP § 608.01(b), the requirement that an Abstract commence on a separate sheet should not be used during the National Stage prosecution of International Applications (“371 Applications”) if an Abstract was published with the International Application under PCT Article 21. Since the present application is a National Stage Application of International Patent Application No. PCT/IL2003/000785 and the Abstract was published with the International Application on April 8, 2004 under No. WO 2004/028335, Applicants respectfully request that the Examiner withdraw this objection.

#### **Claim Objections**

In the Office Action, the Examiner objected to claims 14, 18, 19, 21, 22, 24 and 32 because of alleged formalities. Claims 13, 14, 17-19, 21, and 22 have been amended in order to cure these informalities, and claims 24 and 32 have been canceled. Accordingly, Applicants request withdrawal of the objection.

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## **CLAIM REJECTIONS**

### **35 U.S.C. § 112 Rejections**

In the Office Action, the Examiner rejected claims 21 and 22 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner understood the “niche” limitation of claims 21 and 22 to refer to the cut out (400 in FIGS. 2B and 4) and contends that the configurations claimed in claims 21 and 22 are not disclosed in the specification as filed.

In response, Applicants point out that the “niche” limitation of claims 21 and 22 actually refers to the socket or slot(s) 202 referred to at page 21, lines 23-29 of the specification as filed, as depicted in FIG. 2B. Applicants have amended claims 21 and 22 to recite this terminology of the specification instead of the “niche”. Applicants respectfully request that the Examiner withdraw this rejection.

In the Office Action, the Examiner rejected claims 17, 18, 22, 32 and 33 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 17, 18 and 22 were said to lack antecedent basis for certain limitations, and claims 32 and 33 were said to be redundant.

In response, Applicants have amended claims 17, 18 and 22 to cure the lack of antecedent basis and have canceled claims 32 and 33. Applicants now respectfully request that the Examiner withdraw this rejection.

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### **35 U.S.C. § 102 Rejections**

In the Office Action, the Examiner rejected claims 1-7, 12-20, 23, 24 and 31 under 35 U.S.C. § 102(e), as being anticipated by Avni (U.S. Patent Application Publication No. 2004/017914). Applicants respectfully traverse this rejection in view of the remarks that follow.

Applicants first note that claims 23 and 24 have been canceled.

Avni teaches a device including at least one image sensor and a circuit board having a plurality of rigid sections and a plurality of flexible sections. The Examiner stated that the first circuit board (33) includes an image sensor (24) and LED's (23) and the second circuit board (32', 35, 32, 31) comprises a transmitter/processor (26), a battery (25) and antenna (27). The Examiner further pointed out that the second circuit board extends perpendicular to the first from a side opposite the image sensor (see Fig. 1).

Applicants have amended independent claims 1, 13, 20 and 31 to recite first and second rigid circuit boards that are substantially perpendicular. By contrast, Applicants point out that, in Avni, the plurality of rigid circuit board sections (31, 33, 35) are always substantially parallel to each other and are always substantially perpendicular to the plurality of flexible circuit board sections (32 and 32'). See Avni at paragraphs [0012], [0015] and [0018]. In no embodiment, does Avni teach or disclose any structure wherein the rigid circuit board portions are substantially perpendicular to each other.

Therefore, Avni cannot anticipate amended independent claims 1, 13, 20 and 31. Dependent claims 2, 4-7, 12 and 14-19 depend from one of amended independent claims 1 or 13 and necessarily include all of its limitations, such that dependent claims 2, 4-7, 12 and 14-19 are also not anticipated by Avni. Accordingly, Applicants respectfully request withdrawal of this rejection.

In the Office Action, the Examiner rejected claims 1, 2, 5-11, 13-24, 26-31 and 33 under 35 U.S.C. § 102(a) or (e), as being anticipated by Gazdzinski (U.S. Patent Application

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Publication No. 2002/0103417). Applicants respectfully traverse this rejection in view of the remarks that follow.

Applicants first note that claims 23, 24 and 33 have been canceled.

Gazdzinski teaches an autonomous endoscopic device that utilizes a miniature CCD camera and a fiber optic/diode illumination system, wherein the CCD camera operation is supported by data processing electronics and an inductive data transfer circuit within the probe for transfer of the acquired image data.

Independent claims 1, 13 and 20 have been amended to recite that the first rigid circuit board has attached thereon an illumination source. This limitation was previously recited by dependent claim 3, which was not rejected by the Examiner based upon Gazdzinski. Since amended independent claims 1, 13 and 20 now incorporate this limitation, Gazdzinski cannot anticipate amended independent claims 1, 13 and 20, and those claims are allowable. Dependent claims 2, 5-11, 14-19, 21 and 22 depend from one of amended independent claims 1, 13 and 20 and necessarily include all of its limitations, such that dependent claims 2, 5-11, 14-19, 21 and 22 are also not anticipated by Gazdzinski. Accordingly, Applicants respectfully request withdrawal of this rejection with respect to claims 1, 2, 5-11 and 13-22.

With respect to claims 26-28, the Examiner referred to data transfer terminal (532 in Fig. 5) that extends to the exterior housing at least on either side of said circuit boards, or presumably to the coils that attach to data transfer terminal 532, as "substantially surrounding" those elements. However, Applicants have amended independent claim 26 to recite that the in vivo imaging device comprises an antenna substantially coiled about the circuit board. By contrast, the antenna 532 referred to by the Examiner is external to the housing, and is not shown or taught as being coiled about the circuit board, contrary to amended independent claim 26. While antenna 532 may surround the housing and thus all its components, antenna 532 is not coiled about the circuit board. Accordingly, amended independent claim 26 and its dependent claims 27 and 28 are not anticipated by Gazdzinski, and Applicants respectfully request that the Examiner withdraw this rejection.

With respect to claims 29 and 30, the Examiner referred to power data transfer terminal (716 and the coil antenna in Fig. 5) as an antenna disposed between the imager 402

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and a power source (source of power MCD 800 in Fig. 8). However, Applicants have amended independent claim 29 to recite that the in vivo imaging device comprises a housing within which is comprised an imager, a power source and an antenna, said antenna being disposed substantially between the power source and the imager. By contrast, the power source 800 in Fig. 8 referred to by the Examiner is external to the housing, contrary to amended independent claim 29. While the Examiner has referred to the end of paragraph [0049] as stating that a battery may be used, there is no teaching within Gazdzinski as to how and where to position such a battery within the housing. In addition, if such a battery were to be positioned within the housing of Gadzinski, there is no teaching in Gadzinski that the antenna would be disposed substantially between the power source and the imager. Accordingly, amended independent claim 29 and its dependent claim 30 are not anticipated by Gazdzinski, and Applicants respectfully request that the Examiner withdraw this rejection.

In the Office Action, the Examiner rejected claims 25-30 and 32 under 35 U.S.C. § 102(b), as being anticipated by Eguchi et al. (JP 2001104241). Applicants respectfully traverse this rejection in view of the remarks that follow.

Applicants first note that claims 25 and 32 has been canceled.

In the Abstract, Eguchi et al. is said to disclose a capsule endoscope having an electric element holder barrel integrally formed with a main block supporting the objective lens and the illuminator, a circuit board having at least the image sensor, an image sensor control part for controlling the image sensor and transmitting electric part for radio-transmitting electric signals outputted from the image sensor and an antenna control board having a transmitting antenna wire for sending transmitting signals produced by the transmitting electric part. The antenna control board is wound around the outer surface of the electric element holder barrel.

First, Applicants note that the Examiner has made specific reference to numbered elements of the device depicted in the figures of Eguchi et al. Applicants question how the Examiner is able to refer specifically to such elements when Eguchi et al. is printed in Japanese, and the translated Abstract provided by Applicants does not list elements by reference number. Applicants request that the Examiner provide any English translation of Eguchi et al. to which he has access.

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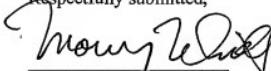
Assuming that the Examiner's references are correct, Applicants note that independent claim 26 has been amended to recite that the in vivo imaging device comprises an antenna substantially coiled about the circuit board. By contrast, antenna 141 referred to by the Examiner in Eguchi et al. is not shown or taught as being coiled about the circuit board. Accordingly, amended independent claim 26 and its dependent claims 27 and 28 are not anticipated by Eguchi et al., and Applicants respectfully request that the Examiner withdraw this rejection.

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,



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